

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSHUA LAMBERT,

Plaintiff,

v.

MIRIAM KASTLE, *et al.*,

Defendants.

Case No. C22-5470-RAJ-SKV

ORDER GRANTING DEFENDANTS  
LEAVE TO FILE AN AMENDED REPLY  
IN SUPPORT OF THEIR MOTION FOR  
SUMMARY JUDGMENT

This is a civil rights action filed under 42 U.S.C. § 1983. On July 13, 2023, Defendants filed a motion for summary judgment that was originally noted on the Court's calendar for consideration on August 11, 2023. Dkt. 22. Plaintiff was thereafter granted a lengthy extension of time to file a response to Defendants' motion, and Defendants' motion was re-noted for consideration on November 17, 2023. *See* Dkts. 29, 30, 39. Plaintiff was specifically advised in the Court's Order granting his requested extension that his response was due not later than November 13, 2023. Dkt. 39 at 3.

On November 13, 2023, the Court received from Plaintiff what appear to be exhibits supporting his response to Defendants' summary judgment motion, but no actual brief containing argument and analysis. *See* Dkt. 42. On November 17, 2023, Defendants filed a reply brief in

ORDER GRANTING DEFENDANTS LEAVE TO  
FILE AN AMENDED REPLY IN SUPPORT OF  
THEIR MOTION FOR SUMMARY JUDGMENT - 1

1 support of their summary judgment motion addressing arguments raised by Plaintiff in a  
2 previously filed “tentative” response. *See* Dkts. 33, 43, 46 at 2. On November 21, 2023, the  
3 Court received from Plaintiff his amended response to Defendants’ summary judgment motion.  
4 Dkt. 44. Plaintiff indicated therein that he had submitted his response to prison staff for mailing  
5 on November 13, 2023, in accordance with protocols in place for his housing unit. *See id.* at 24.

6 On November 28, 2023, Plaintiff filed a motion in which he reiterates his claim that he  
7 timely submitted his responsive brief to prison authorities for filing on November 13, 2023, and  
8 he asks that the Court consider his amended response. Dkt. 45. Plaintiff also requests in his  
9 motion that Defendants’ original reply brief be stricken and/or that they be allowed to submit a  
10 reply addressing his amended response. *See id.* On December 4, 2023, Defendants filed their  
11 own motion seeking leave to file an amended reply addressing Plaintiff’s amended response.  
12 Dkt. 46. The Court deems it appropriate to grant Defendants an opportunity to file an amended  
13 reply brief in support of their summary judgment motion.

14 Based on the foregoing, the Court ORDERS as follows:

15 (1) The parties’ respective motions requesting that Defendants be permitted an  
16 opportunity to file an amended reply addressing the arguments set forth in Plaintiff’s amended  
17 response (Dkts. 45, 46) are GRANTED. Defendants are directed to file their amended reply not  
18 later than ***December 8, 2023***.

19 (2) Defendants’ motion for summary judgment (Dkt. 22) is RE-NOTED for  
20 consideration on ***December 8, 2023***.

21 //

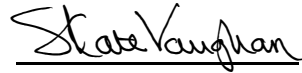
22 //

23 //

ORDER GRANTING DEFENDANTS LEAVE TO  
FILE AN AMENDED REPLY IN SUPPORT OF  
THEIR MOTION FOR SUMMARY JUDGMENT - 2

1 (3) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for  
2 Defendants, and to the Honorable Richard A. Jones.

3 DATED this 6th day of December, 2023.

4 

5 S. KATE VAUGHAN  
6 United States Magistrate Judge  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23